

IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of )  
KELLER et al ) Art Unit: 1638  
Serial No.: 10/806,121 ) Examiner:  
Filed: March 23, 2004 )  
For: TRANSGENIC PLANTS AND )  
METHODS FOR PRODUCTION )  
THEREOF )

RESPONSE UNDER 37 CFR 1.821(e) TO NOTICE DATED AUGUST 17, 2004

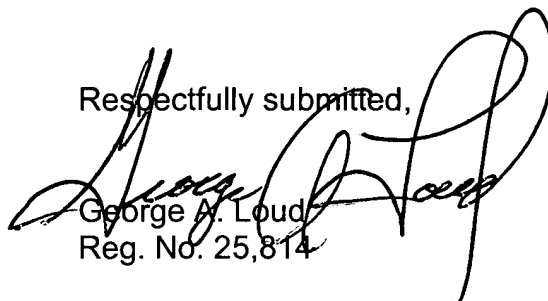
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Notice dated August 17, 2004, copy attached, pursuant to 37 CFR 1.821(e), it is respectfully requested that the compliant computer readable "Sequence Listing", submitted June 22, 2001 as a computer readable disc in applicants' application U.S.S.N. 09/886,207 (now issued as U.S. 6,753,459) be transferred to the file of the captioned application for use therein. The captioned application is a continuation, under 35 USC 120, of U.S.S.N. 09/886,207, filed June 22, 2001 and issued as U.S. 6,753,459 on June 22, 2004.

The two page paper Sequence Listing filed with the application for initiation of a National Phase for the captioned application, i.e., filed March 23, 2004, is identical to the computer readable copy filed June 22, 2001 in applicants' parent application U.S.S.N. 09/886,207, now U.S. Patent 6,753,459.

Respectfully submitted,



George A. Loud  
Reg. No. 25,814

Dated: October 14, 2004

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/806,121	03/23/2004	Wilfred A. Keller	S&B-C409

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CONFIRMATION NO. 2116

FORMALITIES LETTER



\*OC000000013554488\*

Date Mailed: 08/17/2004

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

*Filing Date Granted*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

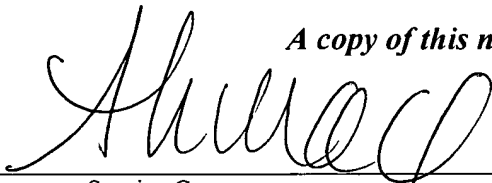
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*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in cursive script, appearing to read "Ahmed", is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE